

R E M A R K S

Reconsideration of this application is respectfully requested.

USP 7,216,749 Is Not A Proper Reference Against the Claims

USP 7,216,749 ("Droste") has been cited (in combination with USP 3,901,098 ("Jenkins")) against claims 11-13 and 16-18. It is respectfully pointed out, however, that Droste is not a proper reference against the present application. Accordingly, it is respectfully requested that the rejection of claims 11-13 and 16-18 be withdrawn.

Droste was filed on April 16, 2004, which is before the October 4, 2004, international filing date of the present application, but after the October 3, 2003, priority date of the present application.

The Examiner has acknowledged receipt of a copy of the certified copy of the priority document (Swedish patent application No. 0302623-4) from the International Bureau. Swedish patent application No. 0302623-4 is in English and fully supports claims 11-13 and 16-18. For the Examiner's reference, a copy of Swedish patent application No. 0302623-4 is enclosed.

Accordingly, claims 11-13 and 16-18 are entitled to the October 3, 2003, filing date of Swedish patent application No. 0302623-4, which is before the filing and publication dates

of Droste. It is respectfully requested, therefore, that the rejection of claims 11-13 and 16-18 be withdrawn.

Amendment of Inventorship

An amendment under 37 CFR 1.48(b) was submitted with the Amendment filed on December 30, 2008. The amendment under 37 CFR 1.48(b) requested the deletion of the name of Gunnar Christer HANSSON from the list of inventors of the present application. This amendment does not appear to have been acted on, as Gunnar Christer HANSSON is still listed as the first named inventor on the Office Action mailed April 10, 2009. Favorable action on the amendment to the inventorship under 37 CFR 1.48(b) is respectfully requested.

The Prior Art Rejection

Claims 10 and 15 were rejected under 35 USC 102 as being anticipated by USP 3,901,098 ("Jenkins"), and claims 14 and 19 were rejected under 35 USC 103 as being obvious in view of the combination of Jenkins and USP 6,709,161 ("Yakura et al").¹ These rejections, however, are respectfully traversed.

¹ As explained above, claims 11-13 and 16-18 were rejected in view of the combination of Jenkins and USP 7,216,749 ("Droste"), but this rejection must be withdrawn because Droste is not a proper reference against the claims.

It is respectfully submitted that Jenkins does not disclose or suggest the structure of claim 10 of "an adjusting device which sets an axial position of said drive spindle and said pinion relative to the bevel gear; . . . wherein said adjusting device comprises: a threaded portion on said drive spindle; an internal thread formed integrally with said inner ring and arranged to cooperate with said threaded portion on said drive spindle; and a coupling device arranged to rotationally lock said inner ring relative to said drive spindle as a desired axial position of said drive spindle is obtained."

Although the Examiner has pointed to features in Jenkins that might superficially resemble elements recited in claim 10, these elements of Jenkins do not form an adjusting device as recited in claim 10. The mere fact that the device of Jenkins comprises a thread between the shaft portion 7 and the drive adapter 6 does not mean that Jenkins discloses an adjusting device that enables axial adjustment of the shaft portion 7.

In fact, instead of providing an adjusting device having the structure recited in claim 10, Jenkins solves the gear teeth engagement problem (see the background section of the present application) using shims. See column 2, lines 56-58 of Jenkins, which discloses that "there [are] shims 12 to enable accurate axial adjustment to eliminate backlash in the bevel gears 8 and 14." Thus, Jenkins merely uses the conventional way of

obtaining a desired gear teeth engagement, which is described in the background section of the present application and which encounters problems as described in the background section of the present application. Indeed, if the thread in Jenkins pointed to by the Examiner actually enabled axial adjustment of the shaft portion 7, it would make no sense for Jenkins to rely on the time-consuming, trial and error, method of the shims 12.

The Examiner appears to be asserting that because Jenkins discloses elements that might superficially resemble the elements of the adjusting device of claim 10, Jenkins discloses an adjusting device as recited in claim 10. The Examiner points to the screw thread engagement between the shaft portion 7 and drive adapter 6 in Jenkins with respect to "threaded portion" and the "internal thread" of the adjusting device recited in claim 10. (The Examiner also cites the spacer 18 as corresponding to the coupling device recited in claim 10). In Jenkins, however, the screw thread engagement between the shaft portion 7 and drive adapter 6 does not achieve "an adjusting device which sets an axial position of said drive spindle and said pinion relative to the bevel gear" as recited in claim 10.

In the structure disclosed by Jenkins, the thread illustrated between the drive adapter 6 and the shaft portion 7 is merely provided to secure the drive adapter 6 to the shaft portion 7. Jenkins clearly describes this nature of the thread between the drive adapter 6 and the shaft portion 7 at column 2,

lines 45-48: "The drive shaft of the unit 1 comprises a drive adapter 6 to which the shaft portion 7 of a spiral bevel gear 8 (or a Zerol bevel gear) is secured as by screw threads as shown." Thus, the thread between the drive adapter 6 and the shaft portion 7 is used merely for securing the two parts together.

Indeed, in Jinkins the drive adapter 6 is provided with a shoulder 19 which abuts against an oppositely facing shoulder on the shaft portion 7 when the parts are properly threaded together. This inter-engagement between the two shoulders positively determines the axial positions of the two parts 6 and 7. There is nothing in Jinkins that teaches or suggests any possibility of adjusting the axial position of the drive adapter 6 by the thread. And the mere fact that the device of Jinkins comprises a thread does not mean that an adjusting device has been provided that includes the thread and enables axial adjustment of the drive spindle.

It is respectfully pointed out, moreover, that Jinkins uses a ball bearing 10 of a standard type in which axial play is not even possible, and the bearing 10 is firmly clamped between a lock ring 11 and a shoulder in the housing 2.

And it is respectfully submitted that Jinkins does not disclose or suggest any adjustment device which comprises an internal thread formed integrally with an inner ring of a ball bearing cooperating with a threaded portion on a drive spindle for axial adjustment of the drive spindle.

Thus, Jenkins describes a device belonging to a well-known type, in which axial adjustment of the drive spindle is accomplished by inserting shims between the bearing and the housing. The present invention as recited in claim 10 takes an inventive step beyond this configuration. In contrast to the old technique of using shims, the present invention as recited in claim 10 achieves axial adjustment of the drive spindle by adjusting the inner ring of the ball bearing by a thread on the drive spindle. With the structure of claim 10, the adjustment device makes it possible to adjust the axial position of the drive spindle as well as the bearing play at any time after assembling the front part of the power tool without a trial and error procedure. This is not possible with the device of Jenkins. In fact, Jenkins does not disclose any structure that would enable an axial adjustment of the drive spindle without using the old shims technique.

In view of the foregoing, it is respectfully submitted that Jenkins clearly does not disclose or suggest the structure of claim 10 of "an adjusting device which sets an axial position of said drive spindle and said pinion relative to the bevel gear; . . . wherein said adjusting device comprises: a threaded portion on said drive spindle; an internal thread formed integrally with said inner ring and arranged to cooperate with said threaded portion on said drive spindle; and a coupling device arranged to

rotationally lock said inner ring relative to said drive spindle as a desired axial position of said drive spindle is obtained."

Accordingly, it is respectfully submitted that the present invention as recited in independent claim 10 and all of the claims depending therefrom clearly patentably distinguishes over Jenkins and Yakura et al, under 35 USC 102 as well as under 35 USC 103.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

/Douglas Holtz/

Douglas Holtz
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.
220 Fifth Avenue - 16th Floor
New York, New York 10001-7708
Tel. No. (212) 319-4900
Fax No. (212) 319-5101
DH:ad
encs.